

C O P Y

in opinion

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February 1, 1955

Harold W. Demore, Jr., Director
Division on Alcoholism
66 South Street
Concord, New Hampshire

Re: Use of Patient Refund Account

Dear Mr. Demore:

You have inquired by your letter of January 28, 1955, as to my opinion whether the Division may use the first \$4,500.00 received as revenue from patients or any sums which might be received in excess of this sum. You are advised that it is my opinion that such sums may not be used, as by their use the Division would be exceeding its appropriation.

There was appropriated for the use of the Division in the current fiscal year, by c. 249, Laws of 1953, the total sum of \$75,440.00. Of this total appropriation the Legislature estimated that the Division would receive revenue in the amount of \$4,500.00, leaving a net appropriation of \$70,940.00. As a consequence, the Division is authorized to expend during the current fiscal year the sum of \$75,440.00, \$4,500.00 of which represents revenue received by the Division. To expend any revenues received so that total expenditures will exceed \$75,440.00 would be in effect an attempt to expend this money twice and would have as a natural effect your exceeding your appropriation.

You state that your patient load has steadily increased so that expenditures have likewise increased. As total expenditures may not exceed the aforementioned sum of \$75,440.00, there would appear to be three possible solutions to your problem. In mentioning these possibilities I express no opinion as to whether they would be administratively feasible. A transfer could

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be made from the Emergency Fund should an emergency within the meaning of R.L., c. 27, s. 44, as amended by s. 2, c. 321, Laws of 1949, and s. 1, c. 17, Laws of 1953, be found. A deficiency appropriation could be presented to the Legislature upon depletion of your funds. Or patient load could be controlled so as to have expenditures fall within the appropriated amount.

Very truly yours,

Richard C. Demcan
Assistant Attorney General

RCD/sal

cc: Governor Lane Dwinell

Arthur E. Bean, Comptroller

Stuart B. Wilkins, Finance Director
State Department of Health